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Chairman: Mr. AL-SHAALI (United Arab Emirates)

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, A/46/70, A/46/71*-E/1991/9*, A/46/72, A/46/81, A/46/83, A/46/85, A/46/95, A/46/96, A/46/99, A/46/117, A/46/121, A/46/135, A/46/166-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205*, A/46/210, A/46/226, A/46/260, A/46/270, A/46/273, A/46/290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, A/46/322, A/46/331, A/46/332, A/46/351, A/46/367, A/46/402, A/46/424, A/46/467, A/46/485, A/46/486-S/23055, A/46/493, A/46/526, A/46/582, A/46/587*, A/46/598-S/23166, A/C.3/46/L.25)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/46/3 (chap. VI, sect. C), A/46/24, A/46/473, A/46/542, A/46/543, A/46/603, A/46/609 and Add.1 and 2, A/46/616 and Corr.1, A/46/420, A/46/421, A/46/422, A/46/504, A/C.3/46/L.2, A/C.3/46/L.3)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/46/3 (chap. VI, sect. C), A/46/401, A/46/446, A/46/529, A/46/544 and Corr.1, A/46/606, A/46/647)

1. Mr. SIDDIG (Sudan) recalled that under the Charter, the United Nations had responsibility for enhancing the enjoyment of human rights and fundamental freedoms and emphasizing the value of equality and liberty as the only guarantees of peace. Unfortunately, that mission was still far from having been accomplished; foreign occupation and colonialism still deprived whole peoples of their right to self-determination and the burden of debt in many countries undermined the right to development, without which civil and political rights were only theoretical. The establishment of a just world economic order based on the equality of nations in trade relations therefore remained urgent.

2. His delegation was sure that the World Conference on Human Rights in 1993 would be a landmark in the field of human rights. It was to be hoped that the Conference would follow up the Austrian suggestion concerning the creation of a panel of experts as an investigative arm of the Commission on Human Rights, as the present mechanism of information collection was controversial.

3. The Charter affirmed the right of peoples to choose freely their political, social and economic systems; the question of human rights should not be used to legitimize foreign interference or political pressure; but should be dealt with on the basis of the principles of neutrality, non-selectivity and objectivity.

4. The end of the cold war had strengthened the tendency of the Western countries to impose their conception of democracy, which was the result of a long evolution, in countries whose social and political traditions were different. Consequently, human rights issues had become potent instruments in

(Mr. Siddig, Sudan)

international relations, which were too often conducted on the basis of double standards. In many cases the insistence on formal aspects of human rights led to the total negation of their basic content.

5. Self-definition and the right to choose freely were the foundation of all rights; it was therefore paradoxical to criticize the Islamic religion and its laws, which were of divine origin and could not be modified, and which were, moreover, consistent with the values enshrined in the various conventions on human rights. The political history of Sudan was characterized by tolerance; political differences had never given rise to violence. At no time had violence or the violation of human rights been an issue of concern to the Sudan. The country, like others with a similar history, had experienced inter-tribal and regional troubles which had been brought to an end by peaceful means in order to protect the rights of its citizens. The application of sharia law was the choice of the majority of the Sudanese people and in no way jeopardized the rights of non-Muslim citizens, because under the Government's federal system, every State had the right to exclude itself from their application, as was currently the case in the three southern States. A conference had been held in 1991 to reform the judicial and legal system and the Sudanese Government had put an end to all forms of preventive detention and released all political detainees early in the year.

6. The present Government had inherited a chaotic socio-economic and political situation; civil discord had raged in the south and lawlessness had been engulfing other parts of the country. Faced with that situation, and the threat of foreign intervention, it had been necessary to proclaim a state of emergency, with the inevitable derogation from Sudan's obligations under the Covenant on Civil and Political Rights. The state of emergency would be lifted as soon as peace was restored. A programme had been adopted on 21 October 1989 to reach a peaceful settlement in southern Sudan on the basis of a federal system.

7. Sudan was committed to all the human rights conventions to which it was a signatory and intended to continue to cooperate with the Commission on Human Rights, although it believed that that Commission's attitude was neither fair nor objective as it accused of violating human rights a country which had brought about the rule of law, emptied the prisons of political prisoners and demolished the detention camps built by the colonial power. One had only to listen to the testimony of parliamentarians and representatives of humanitarian groups to establish the facts. Sudan was proud that it had applied the concept of the right of unimpeded passage of humanitarian relief in order to save human lives even when those lives were those of rebels who had taken up arms against the Government.

8. Mr. MWAANGA (Zambia) noted with satisfaction that his country had just held peaceful, free and fair presidential and parliamentary elections. His own party, the Movement for Multiparty Democracy, had won more than 80 per cent of the vote and had been the victor in that election, which had

(Mr. Mwaanga, Zambia)

been witnessed by eminent international observers including the former President of the United States, Mr. Jimmy Carter. As its name indicated, the Movement for Multiparty Democracy reflected a coalition of interests whose common denominator was the defence of human rights, which had been the main theme of its electoral campaign.

9. Only a transparent and accountable political system could meet the aspirations of the population. The Zambian Government was firmly committed to human rights, democracy, justice, the rule of law and the independence of the judiciary, and was determined to respect its obligations under the various human rights instruments to which it was a party.

10. In accordance with its desire to protect the rights of vulnerable groups, the Government had recently decided to ratify the Convention on the Rights of the Child, had established a Ministry of Youth and the Child and would adhere fully to the Declaration of the Rights of the Child.

11. Racism continued to cause tremendous suffering to millions of people. Apartheid was its most reprehensible form; in spite of the repeal of some of its main legal pillars, the structure of the apartheid system still constituted a threat to peace and security in Southern Africa as a whole. His Government supported all efforts towards the total eradication of apartheid; as a member of the Commonwealth, it endorsed the pragmatic approach advocated by the Heads of Government of the Commonwealth countries in Harare in October 1991 and exhorted the international community to maintain economic and financial sanctions until agreement was reached among the political parties on a new democratic constitution and until the human rights demands of the majority of the black population were fully realized.

12. The international community should also continue, on the basis of the relevant United Nations resolutions and, in particular, of Security Council resolutions 242 and 338, to support efforts towards the full realization of the political and other human rights demands of the oppressed people in the occupied Arab territories, including Palestine.

13. Zambia, which was a member of the Commission on Human Rights, was firmly convinced that human rights could best be addressed in a spirit of cooperation and bearing in mind the principles of non-discrimination, non-selectivity and objectivity.

14. International human rights instruments would not in themselves suffice to guarantee human rights; the need for qualitative and structural changes in developing societies was also imperative. Guaranteed property rights and unambiguous incentive structures would go a long way towards promoting popular and democratic participation in the development process.

(Mr. Mwaanga, Zambia)

15. The democratization of international economic relations was as important at the international as at the national level. Liberal economic and political values, free trade, debt reduction and human-centred structural adjustment programmes could greatly facilitate economic, social and cultural development. International measures to enhance the capacity of developing countries to achieve patterns of development suited to their respective needs were also necessary.

16. The exercise of civil and political rights depended on conditions of security in all fields, which meant that it had to go hand in hand with the exercise of economic, social and cultural rights; in other words, human rights were indivisible.

17. His Government, which had been elected on a mandate of change towards a more democratic, open and accountable political system, was determined to pursue economic development on a new basis; in doing so, it was counting on privatization and participation as well as on transparent economic relations with its bilateral partners, but it would also need a helping hand from the international community. It undertook to honour all of Zambia's commitments towards various countries and organizations, including the United Nations, the International Monetary Fund, the World Bank and the European Economic Community.

18. The right to live in a safe environment was a fundamental human right. It was the hope of his delegation that the 1992 United Nations Conference on Environment and Development would result in the adoption of programmes that would enable the international community to enjoy the earth's generosity in a sustainable manner.

19. His Government welcomed the decision to convene the World Conference on Human Rights in Berlin in 1993. The success of the Conference would depend on the extent to which it addressed the diverse needs and aspirations of all Member States. It was essential that all countries should participate in its preparation, and his delegation therefore appreciated the efforts made to meet the participation costs of the least developed countries.

19. The protection of human rights was a matter of priority not only at the international but also at the national level. His Government considered that the United Nations had a central role to play in support of human rights, and reaffirmed its firm commitment to the Universal Declaration of Human Rights and to all instruments designed to promote respect for the principles enshrined therein.

20. Mr. TSEPOV (Union of Soviet Socialist Republics) said that the debate now in progress showed that human rights questions had to continue to receive the full attention of the international community. Views on the subject diverged; while some countries considered that the world community must react to human rights violations wherever they occurred, others took the view that the field

(Mr. Tsepov, USSR)

of human rights was the exclusive prerogative of States, which logically amounted to regarding international cooperation in that sphere as a threat to the sovereignty of States and interference in their internal affairs. The Soviet Union could not accept the latter view.

21. The interdependence of States on the world scene was reflected in all fields, including that of human rights, where cooperation had proved indisputably effective in many cases. International cooperation in human rights in no way constituted a threat of interference in the internal affairs of countries. What was more to be feared in that connection were attempts made in defiance of the rules of international law to resolve serious problems by bypassing verification mechanisms. Besides the committees set up to monitor the implementation of human rights instruments, special rapporteurs and representatives played an important role in that respect, even if delegations differed in their assessment of the value of their work. In the view of his delegation, special rapporteurs did an extremely important job in establishing the facts as regards the situation of human rights in certain countries, seeking to understand the reasons why violations occurred there and formulating recommendations as to the means of correcting the situation. His delegation was therefore in favour of strengthening the institution of special rapporteurs and enhancing the effectiveness of their activities. A possibility that might be envisaged was to send special representatives for the purpose of prevention and fact-finding to countries or regions where a threat of gross and mass violations of human rights existed. The Austrian proposal to the effect that the Commission on Human Rights should permanently have at its disposal a list of experts who could be called upon in emergency human rights situations was of interest in that connection. The Commission on Human Rights should consider all aspects of the proposal and take a decision upon it.

22. The development of democracy was inconceivable without the protection of all human rights, and more particularly of the right of peoples to self-determination, which also meant the free choice of their political, social and economic system. The United Nations, acting in conformity with its Charter, could assist the nascent democracies and newly independent territories in making that choice. It went without saying that such assistance should only be provided at the request of the State concerned.

23. The World Conference on Human Rights scheduled for 1993 in Berlin should not be reduced to merely a series of promises or solemn proclamations on human rights but must result in concrete programmes and projects in the field. He concurred with the representative of Czechoslovakia in his recommendation that the Conference should refrain from reviewing cases or situations in specific countries. At the current time, nations needed above all practical guidance on how to safeguard human rights. The World Conference should take decisions by consensus on major aspects of the issue, strengthen and expand the scope of international mechanisms for monitoring the observance of human rights, and adopt specific measures.

24. Mr. SZELEI (Hungary) said that his delegation was convinced that international protection of human rights should remain on the agenda of the United Nations, whose record on that score was to be commended. Hungary would unequivocally support further United Nations action to that end, because it believed that the international community had the legal and moral right to intervene to protect all human rights whenever violations occurred. In its view, the protection of human rights could not be considered to be exclusively an internal affair of States. Monitoring and control of the observance of human rights remained a legitimate task for the international community. It followed that States were accountable to the United Nations and its competent bodies in cases of violation. At a time when freedom and democracy were on the march, his delegation underscored the importance of respect for the inalienable rights of individuals, minorities and peoples. Yet the human rights horizon remained cloudy in a number of countries.

25. Hungary was following with anxiety the developments in Yugoslavia, where the conflict between the Southern Slavic peoples in its immediate vicinity continued. The United Nations could not remain indifferent to the systematic violations of human rights that were being committed on a horrifying scale in that country. The right of peoples to self-determination and the right of individuals to liberty and security of person and to life, guaranteed by international legal instruments, were not being respected. There had been reports of a large number of cases of arbitrary detention, torture and other inhuman treatment, and enforced or involuntary disappearances. Hundreds of thousands were displaced, tens of thousands had fled the country as a result of deliberate actions by the Federal Army or by irregular armed bands, and thousands of refugees were at the moment crossing the Hungarian frontier. Minorities, including half a million Hungarians, were facing serious violations of their rights and freedoms by the army or the military police.

26. While supporting the efforts to end the conflict undertaken by the European Community in cooperation with the countries participating in the Conference on Security Cooperation in Europe (CSCE), Hungary saw an urgent need for effective United Nations involvement. It believed that an institutional arrangement by the United Nations to monitor the human rights situation would be indispensable in Yugoslavia.

27. Special rapporteurs, special representatives, thematic rapporteurs and working groups played a significant role in the international protection of human rights. Hungary fully supported such activities and called on all the Governments concerned to extend their full cooperation. In that context, his delegation had carefully studied the interim reports of the Special Rapporteurs on the situations in Afghanistan, El Salvador, Iraq, and Kuwait under Iraqi occupation, and found them very disquieting. It looked forward with interest to the reports of the Special Rapporteurs on the situation of human rights in Cuba, Myanmar and Romania, which would be submitted to the Commission on Human Rights at its next session.

(Mr. Szelei, Hungary)

28. Another promising avenue for the United Nations was the widening reliance on its electoral assistance to enhance the effectiveness of the principle of free and periodic elections. Hungary had from the start supported General Assembly resolutions on the matter and it welcomed the assistance the United Nations had given in Namibia, Nicaragua and Haiti. The electoral assistance missions, including those that were part of peace-keeping and peacemaking operations, should be supported, because they helped strengthen international peace and security. Hungary was ready to participate in working out an effective institutional arrangement for a United Nations electoral assistance programme. The sooner the Organization acted, the better would the rule of law, freedom, justice and democracy be served.

29. Mr. BASHARMAL (Afghanistan) recalled that the proclamation of the Universal Declaration of Human Rights more than four decades earlier had paved the way for the adoption of a wide range of international human rights instruments and the creation through the United Nations of complex international machinery for the promotion and protection of human rights throughout the world.

30. The implementation of human rights standards was obviously a very broad question. No country, large or small, could claim to be irreproachable in the matter. When a country came under question, account should be taken of all the internal or external factors that might affect human rights, especially when the country concerned was in a state of war, as was Afghanistan. His delegation believed that the human rights violations in Afghanistan were due not only to the prevailing internal conflict but also to external interference.

31. War itself threatened the basic rights of the people, especially the right to life. Indiscriminate rocket attacks (more than 7,000 firings in eight months since March 1991) by the heavily armed Afghan opposition had claimed hundreds of lives and injured hundreds more. The responsibility for such terrorist acts lay with the countries supporting the banditry.

32. Despite the difficulties arising from a prolonged war, his Government had taken all necessary measures to promote and protect human rights. It had spared no effort to end the fratricidal struggle; many times it had unilaterally declared a cease-fire and expressed its willingness to resolve the issue peacefully. Afghanistan was the first State to support the recent five-point statement of the Secretary-General on the situation in the country.

33. The Republic of Afghanistan was a party to most of the international human rights instruments. Strict observance of the basic norms and principles of human rights was assured in its Constitution, article 5 of which provided for political pluralism. Freedom of thought, expression, religion and assembly, and the right to education, health and social security, were guaranteed by law.

(Mr. Basharmal, Afghanistan)

34. As part of the policy of national reconciliation, the Government had taken many practical steps to normalize the human rights situation. Thousands of prisoners had been released and the conditions of detention had been improved. Commissions had been formed in the capital and the provinces to supervise the conditions of prisoners and a central commission under the chairmanship of the Deputy Chief Justice regularly inspected prisons. Article 41 of the Constitution provided for the right of the accused to defend himself either in person or through counsel and the Department of Legal Aid provided legal assistance to those who required it.

35. The International Committee of the Red Cross (ICRC) had been carrying out activities in Afghanistan since the establishment of an ICRC office in 1986. An ICRC team regularly visited prisons in accordance with established procedures. ICRC freely evacuated casualties belonging to the opposition forces from war zones and brought them to city hospitals. When necessary, it treated them on the spot.

36. ICRC had always had the support of the Government. Asia Watch, a non-governmental human rights organization had published a report ("The Forgotten War") in February 1991 after a fact-finding mission to Afghanistan and Pakistan. The report contained useful information for the Governments of Afghanistan, Pakistan and the United States of America.

37. In order to ensure the return of Afghan refugees and protect people living in the countryside, a national commission under the chairmanship of the Prime Minister had been set up in order to help international institutions which contributed to mine-clearing operations. Furthermore, a national human rights commission would be established in the very near future in Afghanistan, with the assistance of the Centre for Human Rights and other national commissions in the Asia-Pacific region.

38. The Special Rapporteur of the Commission on Human Rights had received full cooperation from the Afghan Government for the preparation of his latest report (A/46/606) as well as his previous reports on the situation of human rights in Afghanistan. He had been able to gather first-hand information not only in the government-controlled areas, but also in areas under the control of the opposition forces as well as in refugee camps in Pakistan. He had had free access to detention centres and juvenile rehabilitation centres. He had been received by high-ranking authorities in the Government, political party leaders, public figures, representatives of non-governmental organizations, and commanders of armed forces and militias.

39. While supporting the efforts made by the Special Rapporteur to ensure the full enjoyment of human rights by the Afghan people, his Government hoped that a political solution to the problem would be found as soon as possible and that the mandate of the Special Rapporteur would be terminated, as he himself had stated to the Third Committee the previous year. The Afghan delegation

(Mr. Basharmal, Afghanistan)

expressed its appreciation for the tireless efforts by the Secretary-General, Mr. Javier Pérez de Cuéllar, and his personal representative and the coordinator of the United Nations Humanitarian and Economic Assistance Programmes Relating to Afghanistan, Mr. Sevan.

40. The Most Reverend Renato R. MARTINO (Holy See), referring to the incidents that had occurred in East Timor, said that the Holy See had always supported the rights of the Timorese people. In complete harmony with the local church in Dili, the Holy See once again condemned the use of violence to resolve social conflicts.

41. The Holy See had reacted with a formal diplomatic step to the events of 12 November 1991, calling upon the competent authorities to establish the facts and punish those responsible. With the assurances given by the Indonesian Government that a full investigation was taking place, one must hope that such occurrences would never happen again.

42. On 1 May 1991, Pope John Paul II had published the Encyclical Letter Centesimus Annus (see A/46/526), which dealt with some of the fundamental questions of the time and human rights within the current world situation. In that connection, the Holy See welcomed the adoption by several countries of legislation on religious freedom. Thus, Albania had annulled anti-religious provisions in its constitution and the Cambodian authorities had recently announced that Buddhism would once again be the State religion and that the freedom to practise other religions would be guaranteed.

43. On the occasion of the International Day of Peace, the Supreme Pontiff had specifically referred to the importance of respect for the conscience of every person, as a necessary basis for peace in the world. Throughout the centuries, religious intolerance had caused conflicts between members of different religions and ideologies, which should never recur. Even in cases where the State granted special legal status to a particular religion, there was a duty to ensure that the right to freedom of conscience was guaranteed de jure and de facto for all citizens and foreigners residing in the country temporarily or permanently. At the forty-seventh session of the Commission on Human Rights, the representative of Morocco had made a statement to that effect, which the Holy See fully supported.

44. The annual reports by the Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief contained very disturbing information on incidents that had come to the attention of the Rapporteur. Many other instances went unreported. On 12 January 1991, Pope John Paul II, in his address to the diplomatic corps, had specifically referred to situations of grave concern as well as some encouraging developments regarding freedom of religion and conscience in several countries.

(The Most Reverend Renato R. Martino, Holy See)

45. The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the tenth anniversary of which was being observed in 1991, was a great human rights instrument. Nevertheless, in the absence of legal guarantees, such declarations all too frequently remained dead letter. In that regard, the member States of the Conference on Security and Cooperation in Europe had adopted new measures set forth in the Final Act of the 1989 Vienna Meeting and the 1990 Charter of Paris for a New Europe.

46. The Holy See supported in particular the recommendation contained in paragraph 107 of the report by the Special Rapporteur (E/CN.4/1991/56). Several voices had called upon the United Nations to elaborate a legal instrument that was more binding than the 1981 Declaration. The time had come to give that proposal serious consideration and efforts should be made to draw up a convention which, rather than simply condemning intolerance, positively affirmed religious freedom. On the occasion of the International Day of Peace, the Supreme Pontiff had once again pointed out that in many cases religious faith had preserved and strengthened the identity of entire peoples and had proved to be a powerful force for liberation in countries where religion was suppressed or persecuted.

47. Mr. SARDENBERG (Brazil) said that the World Conference on Human Rights would be an occasion for improving international mechanisms and procedures for the protection of human rights. The time was ripe for reviewing the progress made in that area since the adoption in 1948 of the Universal Declaration of Human Rights. The Conference would also make it possible to achieve a deeper understanding of the relationship between development and human rights and put forward concrete suggestions concerning international cooperation in that field.

48. Brazil believed that development must be accompanied by a strengthening of the institutions that were essential for the protection of human rights. In the preamble to the Universal Declaration of Human Rights, it was stated that human rights must be protected by the rule of law. The mechanisms and institutions that made the rule of law a reality must be strengthened, and that was a duty which fell to Governments. In that respect, there was no difference between developed and developing countries, except that developing countries sometimes lacked the resources that were needed to ensure the rule of law.

49. Lack of development did not necessarily mean lack of respect for human rights, just as wealth and advanced development were not necessarily absolute guarantees of the observance of human rights. It followed that development-related questions could never be invoked as an excuse for violations of the rights and liberties of the individual. Brazil believed that there could no longer be any misunderstanding in that respect.

(Mr. Sardenberg, Brazil)

50. The overwhelming trend towards the recognition of the legal and moral obligations of Governments in the field of human rights made it possible to take a more comprehensive approach to the possibilities of action for the United Nations and to address squarely the relation between development and human rights. That did not mean that the United Nations should slacken its monitoring activities or refrain from expressing concern and condemnation when a situation justified it. Indeed, the World Conference would provide an opportunity to discuss ways and means of enhancing the effectiveness of the United Nations in that respect. With a view to creating better conditions for the protection of human rights in all countries, consideration could be given to strengthening the advisory services currently provided by the United Nations. It should be noted that a remarkable contribution to the protection and promotion of human rights was being made by non-governmental organizations; his Government viewed human rights questions as a major priority in its life as a democratic nation.

51. The General Assembly had proclaimed 1993 the International Year for the World's Indigenous People (in resolution 45/164 adopted on the initiative of, among others, Brazil). Those groups were particularly vulnerable. In Brazil, the protection of the rights and cultural identity of indigenous communities was accorded high priority by the Government. It was to be hoped that during the International Year, additional resources could be allocated to activities that could help promote the rights of indigenous peoples and improve their standard of living. In 1991, Brazil had once again sponsored a draft resolution which would provide guidelines and a programme of activities for the Year. In Brazil, the Constitution defined the target of demarcating all indigenous lands before 5 October 1993. His Government was committed to accomplishing that goal. On 15 November, a significant step had been taken with the delimitation of the territory belonging to the Yanomami Indians in the northern part of the country.

52. On the question of human rights at the international level, his delegation was concerned about the situation in Haiti and in East Timor. It actively supported the initiatives undertaken by the Organization of American States and by the United Nations General Assembly with a view to ensuring respect for human rights and the rule of law in Haiti. It had also followed with concern the recent events in East Timor, which, like Brazil, was a former Portuguese colony. In a statement released on 14 November, his Government had condemned the use of violence and expressed the hope that moderation would prevail and proper investigation of responsibility would ensure that such episodes were not repeated

53. Ms. AL-HAMAMI (Yemen) said that, since May 1991, her country had been involved in a process of democratization aimed at building a new society based on justice and equality so as to enable all citizens to exercise their rights to the full and to participate actively in political life and development. In 1992, following a period of transition, the Republic of Yemen would organize free and direct elections with a view to strengthening democracy. The right

(Ms. Al-Hamami, Yemen)

to vote and the right to stand for election would enable all Yemenites to participate in political life and hence to realize their aspirations to a life of dignity and to security and stability. Article 41 of the Constitution stipulated that deputies were to be elected by secret and direct universal suffrage.

54. In conclusion, she said that the Republic of Yemen looked forward to the World Conference on Human Rights to be held in 1993. Yemen hoped that the new humanitarian order to be based on respect for human rights would bring about the triumph of liberty, equality and social and economic justice.

55. Mr. KHALIL (Egypt), speaking on behalf of the Group of Arab States, noted that in accordance with article 2 of the Universal Declaration of Human Rights, all persons, whatever the political, jurisdictional or international status of the country to which they belonged, were entitled to protection of their rights; article 12 of the Universal Declaration provided for protection against arbitrary interference with one's privacy, article 17 of the International Covenant on Civil and Political Rights reinforced that protection and the fourth Geneva Convention provided for its applicability to persons under foreign occupation. Many delegations which had spoken during the debate on human rights had given great attention to those rights.

56. In that context, the act carried out on 18 November 1991 by Israeli border guards against the Islamic High Court of occupied Arab Jerusalem was unjustifiable and provocative. Those forces had broken into the Court offices and had looted documents and historical archives including the title-deeds of hundreds of Arab houses inhabited by thousands of Palestinian families for many centuries.

57. That act jeopardized the Arab status of Jerusalem. The stolen documents could be falsified by Israeli extremists in order to deport Palestinians from their lands and homes. Moreover, the occupying authorities might transfer the properties in question to Israeli settlers, claiming that no official property deeds existed.

58. Despite the apologies made by the Israeli police, the Israeli Government had done nothing to return the stolen documents. The Group of Arab States called on the international community to intervene with the Israeli Government for the immediate return of the documents and to ensure that the crime had no adverse effects on the human rights of the Palestinians under Israeli occupation.

59. The Group of Arab States believed that the continuous violations of human rights in the Arab occupied territories were not conducive to the efforts that had been made since the start of the International Peace Conference in Madrid to achieve a comprehensive and just peace in the Middle East. Israel should refrain from any action that might obstruct the peace process. The building of settlements in the occupied territories, the bombing of southern Lebanon

(Mr. Khalil, Egypt)

and the terrorizing of the civilian population as well as other practices condemned by international public opinion must stop.

60. The international community must demand that Israel respect the international treaties and agreements relevant to the protection of the civilian population in time of war, especially the fourth Geneva Convention, the Universal Declaration of Human Rights, the Hague Declaration of 1907 and the two International Covenants on Human Rights, all of which were applicable to the Arab and Palestinian territories occupied by Israel.

61. Mr. RAZALI (Malaysia) said that the Constitution of Malaysia guaranteed the protection of human rights and fundamental freedoms, consonant with the Universal Declaration of Human Rights. During the 34 years that had elapsed since independence, Malaysia had become, in stages, a progressive diversified market-oriented democracy. That experience had heightened its belief that human rights and fundamental freedoms were meaningless unless conditions were created to meet basic needs such as food, shelter, clothing, health care and education. While upholding the principle of human rights and fundamental freedoms, Malaysia had managed to improve the standard of living of its people over the years, thereby enlarging the scope for the enjoyment of basic rights.

62. Given the heterogeneous nature of Malaysian society, his Government was convinced that a united society was fundamental to the promotion of social and political stability. Its development policies took full account of the diversity of Malaysia's ethnic, linguistic, cultural, religious and regional heritage.

63. The form and machinery of democracy must be tailored to the history, uniqueness and cultural identity of each country. There was no one model of democracy. Good governance meant accountability and responsiveness to the needs of the people, but the people had responsibilities too. It was disastrous to separate rights from responsibilities, and Malaysia's aversion to what it saw happening in the North was sometimes due to that dichotomy. Malaysia was also repelled by human rights taken to extremes, an attitude that tolerated the squalor and breakdown of values that could be seen in some sectors of the industrialized countries. The debate on the linkage between human rights and fundamental freedoms and social and economic development could be traced to the day when the Universal Declaration of Human Rights had been drafted. Similarly, the preamble to the International Covenant on Economic, Social and Cultural Rights recognized that the ideal of free human beings enjoying freedom from fear and want could only be achieved if conditions were created whereby everyone could enjoy his economic, social and cultural rights, as well as his civil and political rights. It was all too evident that that linkage had been forgotten by many countries of the North as they put incessant pressure on the South.

(Mr. Razali, Malaysia)

64. In 1968, the International Conference on Human Rights, held at Tehran, had declared that progress in human rights depended upon the implementation of effective national and international economic and social development policies. That had not prevented many industrialized countries from seeking above all to perpetuate their economic primacy.

65. The Commission on Human Rights and the General Assembly had recognized the right to development, both for nations and for individuals. Could those countries that claimed to be the advocates of human rights offer the same commitment to defending the right of nations to development as they did to championing civil and political rights?

66. In his report on the work of the Organization (A/46/1), the Secretary-General had taken the view that in certain cases "a concerted exertion of international influence and pressure through timely appeal, admonition, remonstrance or condemnation and, in the last resort, an appropriate United Nations presence" were necessary to protect human rights. His delegation shared that view to a certain extent, but believed that intervention by the international community must be limited to cases where there was clear evidence of massive human rights violations. In making a judgement on a situation that might require international involvement, the United Nations must ensure that it was not influenced by the disparity between the powerful and the weak, which so often permeated its decisions. Could the Organization guarantee that the defence of human rights would not be used to encroach on the domestic jurisdiction of States and to erode their sovereignty, as cautioned by the Secretary-General in his report?

67. His delegation welcomed the decision of the General Assembly to convene a World Conference on Human Rights in 1993. Malaysia expected that Conference to review progress in human rights, examine the relationship between development and the enjoyment of all human rights without exception, consider ways to improve the implementation of human rights standards and instruments and make concrete recommendations for enhancing the effectiveness of United Nations activities and mechanisms in that area.

68. The Conference must lead to a more balanced view of human rights for the benefit of all, instead of using the subject as a political weapon, as was currently the case. The monopolistic control exercised by the industrialized countries of the North over the economic, financial and political factors that governed international relations was anything but democratic. It was to be hoped that the Conference would address that issue and would succeed in producing a more acceptable codification of human rights.

69. Mrs. SEMAMBO KALEMA (Uganda) said that the tensions and conflicts arising from flagrant and systematic violations of human rights and fundamental freedoms in one specific country or region were often a threat to international peace and security. Human rights violations must therefore be condemned and redressed, and the international community had a vital role to play in that regard.

(Mrs. Semambo Kalema, Uganda)

70. Over the years, the United Nations had gone to great lengths to lay a foundation for the promotion, protection and enjoyment of human rights. The instruments adopted under its auspices, such as the Universal Declaration of Human Rights, the International Covenants and the recently adopted Convention on the Rights of the Child and International Convention on the Protection of the Rights of All Migrant Workers and Their Families were basic instruments in that area. The work of the Centre for Human Rights in the areas of research, information, training, advisory and technical assistance and treaty monitoring were also commendable.

71. The recent wave of democratization in many parts of the world had been accompanied by marked progress in and increased public awareness of the observance of human rights and fundamental freedoms. Unfortunately, as indicated in the various reports of the special rapporteurs and special representatives, gross violations of human rights continued in many countries.

72. South Africa was one such country. While welcoming the positive changes referred to by the Secretary-General in his report, her delegation called upon the Government of South Africa to free all political prisoners, facilitate the return of all exiles and put an end to the continuing violence in the black townships.

73. Uganda expressed its continued concern at the situation of Palestinians in the occupied territories and hoped that the ongoing peace negotiations would produce a lasting solution.

74. The proposed establishment of an emergency procedure to monitor and react to gross and massive human rights violations and to prevent their escalation was very interesting. However, it was important not to lose sight of the principle of the sovereignty of States enshrined in the Charter of the United Nations.

75. While concurring with the Secretary-General that "the principle of non-interference with the essential domestic jurisdiction of States cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity", her delegation cautioned against using that idea as a pretext for violating the sovereignty of States.

76. The link between development, democracy and human rights had become increasingly clear, but the concept of democracy must be modified to take into account different cultures, traditions and historical contexts. Democracy was based on such principles as the rule of law, accountability, an independent judiciary, freedom of expression, free and periodic elections expressing the will of the people and respect for human rights. The expression of those principles could, however, vary according to the electoral system and the circumstances.

(Mrs. Semambo Kalema, Uganda)

77. If human rights and democracy were to be meaningful, developing countries must be assisted in attaining an adequate standard of living. Countless people throughout the world were deprived of the most basic economic and social rights, which included the right to food, shelter, education and health care. The Declaration on the Right to Development (General Assembly resolution 41/128) had proclaimed that the right to development was an inalienable human right.

78. Uganda supported the principle of free, periodic and fair elections, and her delegation therefore commended the electoral assistance that the Centre for Human Rights, the United Nations Development Programme (UNDP) and the Department of Technical Cooperation for Development provided to Member States that so requested. Their efforts had been successful in Namibia, Panama, Haiti, Nicaragua and Zambia, and it was therefore strange that a proposal had been made to create a new structure for coordinating electoral questions, especially at a time when the Secretary-General was striving to achieve zero budget growth.

79. Violations of human rights contributed to the mass exodus of refugees and displaced persons. As indicated in the report of the Secretary-General, the root causes of such movements must be addressed, through promotion of human rights, assistance to developing countries and the establishment of an equitable international economic order so as to minimize the number of economic migrants increasingly facing racial discrimination, violence and hardships in countries of asylum.

80. Her delegation welcomed the declaration of 1993 as the International Year for the World's Indigenous People.

81. The United Nations should emphasize capacity-building at national and regional levels through training programmes, providing technical assistance and encouragement of national human rights institutions. She hoped that it would increase its assistance to Ugandan institutions such as the Constitutional Commission and the Human Rights Commission, as well as institutions for law enforcement and criminal justice administration.

82. Her delegation welcomed the World Conference on Human Rights to be held in Berlin in 1993. She stressed the extreme need for sufficient funding for the Conference in order to secure the widest possible participation, and paid tribute to Finland for its offer to contribute to the Voluntary Fund in support of participation of representatives of the least developed countries in the Conference and its preparatory work. She hoped that other developed countries would make similar commitments.

83. Mr. NEÇAJ (Albania) said that his country had embarked irreversibly on the road to democracy, freedom and human dignity. It abided by the major human rights instruments adopted by the Conference on Security and Cooperation in Europe, of which it had become a full member. Albania had become a

(Mr. Necaj, Albania)

parliamentary republic based on political pluralism and the market economy, where total separation of legislative, executive and judicial powers was guaranteed, all forms of ownership were accepted, and State authority was subject to constitutional law and international commitments, particularly with regard to individual and minority rights. After 45 years of serious violations of human rights and fundamental freedoms, Albanians no longer needed to fear torture or maltreatment, especially during criminal proceedings. New laws were being enacted by which Albania was bringing its legislation into conformity with European standards. The Supreme Court was repealing unjust decisions taken under the former regime, and the recently elected coalition Government was attempting to dismantle the totalitarian structures inherited from the past. That task was made more difficult because of Albania's long separation from the rest of Europe, and its lack of legal means.

84. The elections in Albania, attended by international observers, had taken place in a climate of freedom. Newly-authorized political parties had free access to the media and had conducted their campaigns in an atmosphere of tolerance. The possibility of participation in voluntary organizations in any area of interest had strengthened the people's civic spirit. They understood that ensuring civil peace and respect for rights was a responsibility they shared with the Government.

85. The Albanian authorities were currently examining the entire body of legislation inherited from the old regime in order to harmonize it with the major human rights instruments to which Albania had become party. To ensure implementation of those instruments, a special parliamentary commission had been established for protection of human rights and fundamental freedoms, and non-governmental organizations recently established were pursuing the same goal.

86. Protection of human rights had been the focal point of the Conference on Security and Cooperation in Europe since its establishment in 1975. The situation in that area in a number of States that were ill-prepared for the peaceful settlement of disputes was a cause for concern. Ethnic conflicts in particular, as in Yugoslavia, should be mentioned. Civil rights must be ensured to all peoples; unfortunately, that was not the case in Yugoslavia, where the Albanian population continued to be deprived, in the most brutal manner, of its human rights and fundamental freedoms. In Kosova, all the principles enshrined in United Nations and European Community human rights instruments were denied, despite remonstrations to the Serbian and Yugoslav authorities and demands that they should recognize and respect the most basic rights of Albanians. Their situation as victims of terror and repression by the police and federal army was deteriorating day by day. The Serbian Government, after illegally declaring a state of emergency in Kosova, was using every means to ruin the regional economy, destroy the health-care system, and restrict access to education for Albanian children, in other words, to force the Albanians to emigrate.

(Mr. Necaj, Albania)

87. All the observers and groups visiting Kosova had arrived at the same conclusion: Albanians in Yugoslavia were the most repressed people in Europe. Based on incomplete data, 2,500 Albanians had been sentenced by civilian and military courts for so-called political crimes in recent years. Between 1981 and 1989, more than 10,000 persons had been sentenced for simple possession of newspapers, folk-music recordings or other such "political" misdemeanours. The Serbian authorities had dismissed about 200 judges of Albanian nationality, as well as 1,200 Albanian health-service staff, among them 100 professors from the Prishtina Faculty of Medicine. In the past several months, 60,000 persons, all of Albanian nationality, had been dismissed from their jobs and thus deprived of their livelihood. A large number of the vacant posts had been filled by Serbians brought from other regions. By order of the Serbian authorities, students in almost all schools in Kosova had been separated by nationality. Since 1 January 1991, no school teaching in the Albanian language had received any financial support, which meant that Albanian children were no longer taught their mother tongue.

88. No one could remain indifferent to the fate of the Albanians in Kosova. Yugoslavia continually reaffirmed its adherence to human rights instruments, but there was a gap between rhetoric and reality. The international community must take action to prevent the tragedies which would surely occur if the rightful concerns of peoples of that country were ignored.

The meeting rose at 12.45 p.m.

A/C.3/46
/SR.52

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

THIRD COMMITTEE
52nd meeting
held on
Tuesday, 26 November 1991
at 3 p.m.
New York

SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. ALFARO-PINEDA (El Salvador)
(Vice-Chairman)

later: Mr. AL-SHAALI (United Arab Emirates)
(Chairman)

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In the absence of the Chairman, Mr. Alfaro-Pineda (El Salvador), Vice-Chairman, took the Chair.

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, A/46/70, A/46/71*-E/1991/9*, A/46/72, 81, 83, 85, 95, 96, 99, 117, 121, 135, A/46/166-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205*, 210, 226, 260, 270, 273, 290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, 322, 331, 332, 351, 367, 402, 424, 467, 485, A/46/486-S/23055, A/46/493, 526, 582, 587*, A/46/598-S/23166; A/C.3/46/L.25)

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(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/46/3 (chap. VI, sect. C), A/46/401, 446, 529, 544, 606, 647; A/C.3/46/L.51)

1. Mrs. BARGHOUTI (Observer for Palestine) said that the situation in the occupied Palestinian territory had continued to deteriorate in every way, especially since the beginning of the intifadah in 1987. More than 1,500 Palestinians had been killed, 25 per cent of them children, and 118,000 wounded. The long curfews had made the Palestinians prisoners in their own homes. The use of tear-gas had caused 8,000 pregnant women to miscarry, and more than 2,000 houses had been demolished or sealed. Restrictions had been placed on the movements of Palestinians within the occupied territory. The Israeli authorities were speeding up the building of new settlements. Land owned by Palestinians had been confiscated. Israel currently controlled approximately two thirds of the land of the West Bank and 60 per cent of that in Gaza. By September 1990, an estimated 229,000 Israelis had settled in the occupied territory, including Jerusalem. The Israeli authorities planned to double the current settler population in the West Bank in the next five years.

2. The Israeli authorities were continuing their oppressive measures to control the water sources in the occupied Palestinian territory. Water for irrigation purposes was restricted in the case of Palestinians, who were also prohibited from drilling wells without the permission of the Israeli military authorities, which in most cases was denied.

3. The number of Palestinians imprisoned in Israeli jails at one time or another had reached 120,000. During the intifadah, 15,000 persons had been placed under administrative detention. The July 1991 report of Amnesty International had concluded that excessive force and punitive beating had been

(Mrs. Barghouti, Observer, Palestine)

used on a large scale in recent years by the Israeli military forces in the process of arresting suspects and taking detainees to detention centres and that, once brought into detention centres for interrogation, detainees were typically subjected to torture or ill-treatment with the aim of obtaining information or confessions.

4. His delegation drew attention to the tragic plight of the Palestinians who had been forced to leave Kuwait and those who were still living there under terrible conditions.

5. The Palestinian people would continue its struggle to achieve its inalienable right to self-determination and the establishment of an independent State on the basis of the relevant United Nations resolutions, which was only possible if Israel withdrew from the occupied Palestinian territory, including Jerusalem.

6. Mr. MAYCOCK (Barbados) said that his country was a party to almost all of the international human rights instruments. The Constitution of Barbados guaranteed fundamental freedoms to all persons, regardless of race, colour, creed or sex and his Government had amended domestic legislation, where necessary, to give effect to the human rights instruments to which it was a party.

7. Treaty bodies played a vital role in monitoring the implementation of human rights instruments. His delegation was gravely concerned about the funding crisis which was severely hampering the work of the Committee on the Elimination of Racial Discrimination and the Committee against Torture. In that regard, it took note of the remarks of the Secretary-General in document A/46/650 and his recent efforts to regularize funding for those two bodies and hoped that the appropriate action would be taken soon.

8. The Human Rights Committee and the Centre for Human Rights played a vital role in safeguarding human rights worldwide, especially since States did not always comply in full with their obligations. The entry into force of new treaties, the spread of democracy and the reshaping of the international landscape presented new challenges to the Centre, which could only respond properly if it had the necessary resources. His delegation was therefore pleased to note that additional resources for the Centre had been allocated in the proposed programme budget for 1992-1993. The technical assistance programmes administered by the Centre were of critical importance and his country looked forward to hosting training seminars organized within that framework. The Centre should also be commended for its joint sponsorship in 1989 with the World Health Organization of international consultations on AIDS and human rights and for organizing in 1990 a global consultation on the realization of the right to development as a human right.

9. His delegation noted with appreciation the important role played by the various working groups set up by the Subcommission on Prevention of

(Mr. Maycock, Barbados)

Discrimination and Protection of Minorities and hoped that the recently completed draft body of principles for the protection of persons with mental illness and for the improvement of mental health care would be adopted by the General Assembly at its forty-seventh session. It also considered that the expertise of the non-governmental organizations and of the special rapporteurs and representatives was indispensable to the promotion of human rights.

10. In its consideration of human rights issues, the Third Committee had placed great emphasis on democracy, the rule of law and the holding of free and fair elections and had virtually ignored other aspects. A genuine debate should focus on the entire range of issues relating to the enjoyment of human rights.

11. As a country with over three hundred years of parliamentary tradition, Barbados deeply cherished the principle of genuine and periodic elections and had great respect for the rule of law. It firmly opposed any disregard for the will of the people, as freely expressed through the ballot. In that connection, it had been quick to condemn the recent overthrow of the democratically elected President of Haiti. While believing that States should not use the principle of non-interference in internal affairs as a shield for human rights abuses, his Government was strongly opposed to the use by any State of human rights as a vehicle to promote its own political agenda.

12. There was a strong link between democracy and development. No matter how much freedom people enjoyed, any democratic system would be undermined by persistent social and economic problems. His delegation agreed with the Secretary-General that democracy had to be supported by a minimum level of well-being.

13. The 1993 World Conference on Human Rights would offer an excellent opportunity to review the progress made in human rights over the past 40 years. He hoped that the Conference would explore all avenues to reach consensus so that the vital United Nations efforts in the field of human rights might be strengthened.

14. Miss BACH-TOBJI (Tunisia) said that, as the new world order took shape, human rights issues were coming to the fore once again. Her delegation wished to reaffirm its support for United Nations efforts in that field, including the elaboration of the various human rights instruments and the effective operation of the corresponding treaty bodies, despite their financial difficulties. The World Conference on Human Rights would offer an excellent opportunity for a constructive exchange of views on human rights questions and for reaffirming the basic principles enshrined in the Universal Declaration of Human Rights. In that connection, her delegation attached particular importance to the preparatory process for the Conference and was prepared to host the regional conference for Africa in 1992.

(Miss Bach-Tobji, Tunisia)

15. All human rights were indivisible and interdependent: economic, social and cultural rights were as important as civil and political rights. Furthermore, those rights were subsumed under the right to development, which was in its broadest sense a transcendent concept encompassing all human rights.

16. The growing importance of human rights required increased monitoring by the international community which, to maintain its credibility, should guard against politicizing the issues or making indictments. By definition, the promotion and protection of human rights implied a cooperative approach, based on respect for the principles of international law.

17. States, too, were responsible for the promotion and protection of the human rights of their citizens. Tunisia, which was moving in the direction of democracy and pluralism, was firmly committed to human rights and fundamental freedoms and worked ceaselessly to promote them. While recognizing that much remained to be done, her Government was developing legislation in that field and strengthening the mechanisms to guarantee those rights.

18. Individuals and the groups to which they belonged were also responsible for the protection of human rights. Unfortunately, the religious integrationist movements practised systematic violence against all those who did not embrace their system. Their ideology, which was fundamentally intolerant, was designed to inflict the most retrograde form of totalitarianism on individuals and deny them their civil and political rights. The extremism and violence of those movements represented a real threat to human rights; she therefore hoped that the international community would take note of and respond to that threat.

19. Mr. MAVROMMATIS (Cyprus) said that his Government considered the 1993 World Conference on Human Rights to be one of the most important meetings of the decade. The Conference and its Preparatory Committee must assess progress made in the field of human rights, examine ways of strengthening implementation of existing standards and break new ground in the relationship between sovereign States and the international community.

20. It was with great sadness that Cyprus once again drew the Third Committee's attention to the human rights situation in the northern part of the Republic of Cyprus in the wake of the Turkish occupation. Despite Security Council resolution 716 (1991), which reaffirmed the Security Council's earlier resolutions on the question, and notwithstanding similar resolutions adopted by the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, systematic human rights violations continued unabated, and 37 per cent of the territory of the Republic of Cyprus remained occupied.

21. In all, 200,000 Greek Cypriots had been forcibly uprooted from their ancestral homes and were still not allowed to return. Greek and Turkish Cypriots alike were prevented from travelling from one part of the island to

(Mr. Mavrommatis, Cyprus)

the other. Turkey was pursuing its policy of bringing in settlers, whose numbers were currently estimated to exceed 65,000. Greek Cypriots were not the only ones to suffer from that policy: since 1974, more than 30,000 Turkish Cypriots had left the island owing to increasing unemployment and human rights violations. Passport controls had been abolished between Turkey and Cyprus, thus facilitating the continuous flow of settlers. Furthermore, by changing the historical names in the occupied areas, Turkey was plundering the rich cultural heritage of Cyprus.

22. One of the most dramatic aspects of the Cyprus tragedy was the fate of the 20,000 Greek Cypriots who had been living in an enclave in the occupied area since 1974. Only a few hundred now remained. They were denied access to medical care and educational facilities; no Greek Cypriot doctor was allowed to settle there or to visit on a regular basis; and no schools of higher learning were allowed to operate, thus forcing all young people to move to free Cyprus, from where they were not permitted to return. That was in violation of the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, as was the Turkish settlement policy.

23. More than 1,600 persons were missing, many of them women and children. There was evidence that many had still been alive after their arrest, and that had created reasonable hopes for a speedy ascertainment of their fate. It was essential for Turkey to cooperate with the Committee on Missing Persons in Cyprus, and ways must be found to strengthen that Committee. His Government would continue to cooperate in resolving that question. If Turkey persisted in its refusal to cooperate, his Government would be obliged to seek redress from the appropriate United Nations or regional bodies.

24. Recent international developments had raised the Cypriot people's hope that international law would eventually be respected by all States and that the United Nations would ensure implementation of the relevant Security Council resolutions on Cyprus. His Government called upon the new Turkish Government to inaugurate a new era in the region and to allow the two communities in Cyprus to coexist in peace.

25. Mr. OLIYNYK (Ukraine) said that the question of national minorities had repeatedly shown itself to be a major irritant in relations between States; it had been used as a pretext for intervening in the internal affairs of other countries, for destabilizing Governments and for instigating civil wars. The relevant conventions addressing the issue were inadequate for regulating such delicate matters.

26. In the view of his delegation, the human rights treaty bodies under existing international instruments, in particular the Human Rights Committee, were potentially well suited for addressing the question of non-discrimination and protection of national minorities. States parties should submit comprehensive reports on how they intended to protect the rights of national minorities under the International Covenant on Political and Civil

(Mr. Oliynyk, Ukraine)

Rights. Ukraine noted with satisfaction that the Human Rights Committee had been stepping up the pace of its work. Other treaty bodies must also focus on that question.

27. He referred to document A/46/273, which touched upon the needs of Ukrainian and Bulgarian minorities living in Bulgaria and Ukraine, and A/46/467, containing a declaration on the principles of cooperation between Hungary and Ukraine to ensure respect for the rights of national minorities, a document of interest from the legal point of view.

28. More than 100 national minorities lived in Ukraine. Just several days previously, the Parliament of Ukraine had adopted a declaration on the rights of nationalities that guaranteed all peoples, national groups and citizens living on its territory equal political, economic, social and cultural rights, as well as the right to remain in traditional settlement areas and to use one's mother tongue, including in the fields of education, industry and the reception and dissemination of information. In areas where several national groups lived close together in large numbers, the language acceptable for the whole population of a given area could be used alongside the State language of Ukrainian. All citizens of every nationality were guaranteed the right to worship, to use their national symbols and to celebrate their national holidays.

29. Ukraine was striving to devise international legal standards to govern the question of national minorities and supported adoption of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, which was the subject of draft resolution A/C.3/46/L.3/Rev.1. The international efforts to complete elaboration of the draft declaration should be the first step towards an international legal instrument on the rights of minorities. It was to be hoped that the Commission on Human Rights would complete its work on the draft declaration in time for the Third Committee to consider it at the forty-seventh session.

30. Mr. MAYORGA-CORTES (Nicaragua) said that human rights were fundamental to building a lasting peace. At the same time, peace, democracy, the responsible use of freedom and the promotion of development were necessary to attain the full enjoyment of human rights. Those objectives, applied within the rule of law, constituted the basis of his Government's actions at both the national and international levels. In that regard, it had particularly welcomed the Declaration of Puntarenas, issued in December 1990 by the Central American Presidents declaring Central America a region of peace, freedom, democracy and development, thereby giving new impetus to regional integration, arms control and the promotion of human rights.

31. The end of the bloody conflict in Nicaragua had brought about the demobilization of the resistance movement, a reduction in the armed forces and general disarmament, all of which had led to a substantial decrease in violations of human rights. While the pacification process was still

(Mr. Mayorga-Cortes, Nicaragua)

incomplete, the overwhelming majority of the people supported the Government's efforts at dialogue and reconciliation. Firmly committed to establishing a democratic regime, his Government had set in motion a process of genuine political pluralism, which had stimulated confidence and opened the way for all sectors to express their views.

32. In order to promote development, the Government had begun to decentralize, reducing the bureaucracy and transferring resources and responsibilities to regional, municipal and local levels. The cornerstone of its development efforts was the national reconciliation programme, which included reintegration into productive life of individuals affected by the conflict, consolidation of the national identity and reconstruction, and strengthening of the social fabric, with special protection for the rights of vulnerable groups.

33. It was well known that human rights instruments and legislation were of no real value unless they were backed by effective implementation mechanisms. His delegation therefore appreciated the efforts of the Voluntary Fund for Advisory Services and Technical Assistance, which helped States create solid legal bases on which they could build democracy and promote development.

34. His Government believed that human rights, political development and economic progress were inseparably linked. It had thus adopted a plan for economic and social stabilization and had established a national programme for economic reconciliation and rehabilitation, designed to integrate the most vulnerable groups into society as quickly as possible. His country had paid particular attention to respect for the human rights of refugees and other groups which had suffered as a result of the conflict. It was a matter of pride that, despite the difficult post-war situation, the Nicaraguan people enjoyed basic rights, including the freedoms of movement, expression, association and religion. For the first time in his country's history, opposition political parties had been organized and were free to express their views. There were no political prisoners in Nicaragua.

35. In its first year and a half, the Chamorro Administration had taken a number of steps to ensure the protection of human rights. Among them were development of a comprehensive peace policy; reinstatement of full civil and political rights; recognition of the competence of the Inter-American Court of Human Rights; establishment and implementation of economic and social harmonization mechanisms; promulgation of an amnesty law; abolition of military service; legal review of confiscations; ratification of the Convention on the Rights of the Child; and creation of a fund for social investment and a fund for assistance to oppressed groups.

36. One of Nicaragua's principal limitations was the absence of a democratic culture and education on human rights issues. None the less, the Government had instituted a policy to safeguard public order and security. It would in the near future be working to narrow the gap between existing legislation and

(Mr. Mayorga-Cortes, Nicaragua)

international instruments on the rights of various groups. It welcomed the convening of the 1993 World Conference on Human Rights, which would provide a valuable opportunity to raise awareness worldwide and to transform ideas into reality. Nicaragua was willing to cooperate with other countries to ensure proper follow-up to the Conference. It was important in that regard to depoliticize the human rights debate.

37. Developing countries continued to be the subject of discrimination and inequities; that situation undermined international security and constituted a permanent source of tension and conflict. It was therefore more important than ever for concerted international action to promote development. In that connection, his country favoured the holding of an international conference on development financing and a world summit for social development.

38. Mr. REINO (Portugal) said that his country had for several years been condemning the systematic violation by Indonesia of human rights in East Timor, including extrajudicial executions, torture, disappearance, arbitrary arrests and political imprisonment. Although those facts had been verified on numerous occasions by reliable sources, the campaign of disinformation carried out by the Indonesian Government had led some members of the international community to doubt the veracity of Portugal's allegations. The recent massacre by Indonesian security forces of several dozen innocent people in East Timor had confirmed his country's view that the Indonesian Government continued to engage in genocide.

39. Apparently in response to international outcry, the Indonesian Government had appointed a commission of enquiry, chaired by a former general and member of the Supreme Court and composed of members who were attached to or dependent on the Government. Indonesia did not have the legitimate authority to conduct such an investigation: the commission was neither impartial nor credible and would therefore make a mockery of the investigation. His country reiterated its view that the only legitimate way to clarify the circumstances of the massacre was through an independent investigation, carried out under international supervision.

40. He wished to draw attention to the increasingly threatening tone of statements from top Indonesian military leaders. While Indonesian military sources had admitted that killings were to be regretted and had been the result of a "misunderstanding" by the soldiers, a high-level military official had stated publicly after the massacre that agitators had to be shot and that people who refused to obey had to be killed. That and similar statements demonstrated the contempt in which top military officials held human life and human rights; they revealed moreover that such officials considered indiscriminate shooting of civilians, including women and children, to be a necessary and acceptable procedure. From the evidence, it was clear that the massacre was not an isolated incident but a deliberate attempt to suppress any opposition.

(Mr. Reino, Portugal)

41. Despite the international outcry at the massacre, the situation in East Timor had worsened. The wounded would not seek treatment in hospitals for fear of reprisals, hundreds of people had been taken prisoner and had not been heard from since, and the access of the International Committee of the Red Cross to prisoners and the wounded had been restricted, in flagrant violation of Indonesia's obligations under international conventions. Also alarming were allegations that some eyewitnesses of the massacre and of executions of prisoners had been killed as part of the cover-up. In addition, dozens of Timorese students had been imprisoned for peacefully demonstrating in condemnation of the massacre.

42. There was disturbing information that the Indonesian Government was again trying to isolate East Timor from the rest of the world. It was very difficult to contact persons there by telephone and Indonesian officials had suggested that access to the territory by journalists and diplomats would be prohibited. Non-governmental organizations such as Amnesty International and Asia Watch had been denied access to the territory. There was every reason to believe that the Indonesian Government was trying to hide from the international community the continuing violence directed against a defenceless population.

43. The brutality committed by the Indonesian armed forces on 12 November 1991 had been strongly condemned by the international community, which was demanding an immediate impartial inquiry under international supervision. The root cause of the tragedy of the people of East Timor was denial of the basic right to self-determination. That right had been violated by the military invasion of the territory and the permanent denial of the will of the East Timorese people. He asked the international community how many more massacres were necessary before it decided to help the people of East Timor.

44. Mr. MOR (Israel) underscored the suffering that his Jewish brothers and sisters had been enduring for the past 40 years in Syria. About 3,800 Jews lived in Syria today, most of them in the Jewish quarter of Damascus. That small and defenceless minority was in dire need of protection. In spite of promises made by the Syrian regime, the situation of Syrian Jewry remained as difficult as ever. The Mukhabarat, the Syrian intelligence service, subjected Jews to continuous surveillance, intimidation and harassment. Any Syrian Jew wishing to visit the West must first apply for a passport in the Jewish branch of the Mukhabarat and was required to leave his immediate family behind as human collateral as well as a substantial amount of money as security for his return.

45. Unlike the Jews of other Arab countries, Syrian Jews had not been granted the right to emigrate since the establishment of the modern State of Syria in 1947. Those who had been allowed to leave had had to renounce all claims to property before emigrating. That practice continued today. The tragic paradox was that Syrian law, which should protect rights, had become another

(Mr. Mor, Israel)

instrument of State repression. Jews who invoked principles enshrined in the national Constitution or Syrian obligations under international law found that their rights were denied and that the very attempt to exercise them was an invitation for punitive reprisals. The systematic policy of the Syrian Government with regard to its Jewish citizens was contrary to the international conventions to which Syria was a party, including the International Covenants on Human Rights, and to fundamental norms of international customary law, such as the right to emigrate and the right to be protected against torture and other forms of cruel, inhuman or degrading punishment.

46. Although Syria was a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination, there were persistent and pervasive violations of human rights in that country, particularly the rights of the Jewish minority. Since 1968, the male members of various Jewish families had been imprisoned for many months at a time with no indication as to when they would be released. They were often held incommunicado and their families suffered mental anguish and severe economic hardship as a result. Currently, six Syrian Jews were in prison for attempting to leave the country. Two of them had been incarcerated since 1987 and reportedly had begun a hunger strike, an unprecedented act in Syria.

47. Syria therefore violated its own laws. The Constitution emphasized the importance of the rule of law as a basis of society and the State. Citizens were guaranteed freedom of religion and association; and torture and degradation of detainees were prohibited. However, since the Baath Party had come to power in 1964, the regime had severely limited the movements of Jews within Syria itself and inside Jewish residential areas. Any unusual movements still led to arrest, degradation and torture. Syrian Jews had not yet been granted the right to emigrate in order to be reunited with their families.

48. Syrian attitudes towards the Jewish minority and Judaism were manifest in the ruling Baath Party's admiration for the Nazi ideological emphasis on racial purity. Syria demonstrated its sympathy for that cause by continuing to harbour a well-known Nazi war criminal, who had lived in that country since the 1950s under the protection of the Syrian Government.

49. The plight of Syrian Jews should be well known to the world, in view of the action taken on their behalf at the bilateral and multilateral levels. The time had come for everyone who supported humanitarian causes to speak against that evil. The exploitation of human lives for political reasons must stop. Once before, nations had overlooked evil done to the Jews. Keeping silent in the face of the same evil twice was unforgivable.

50. Mr. ALFARO-PINEDA (El Salvador) said that for too many years his country had been involved in an armed conflict that had brought suffering, death and the destruction of its economic infrastructure. The Salvadorian people had

(Mr. Alfaro-Pineda, El Salvador)

chosen the path of peace and supported the Government's decision to enter into peace negotiations with the Frente Farabundo Martí para la Liberación Nacional (FMLN). With the assistance of the Secretary-General and friendly Governments, those negotiations had yielded real results indicating that peace in El Salvador was near at hand.

51. His Government was committed to eliminating the principal cause of human rights violations in the country by bringing the war to an end. Freedom could be guaranteed only on the basis of the rule of law. The democratic process in El Salvador was creating the necessary political, economic and cultural conditions for the full development of the individual. The international community was gradually coming to a more objective consideration of the situation in his country. The end of the armed conflict, which was the overall cause of human rights violations and created a climate conducive to disregard for human rights, was in sight. The United Nations Observer Mission in El Salvador (ONUSAL) was designed to operate in conditions of peace. Once a definitive peace agreement was signed, the overall situation would become more propitious for greater implementation of human rights in the country. Achieving peace through dialogue, therefore, was essential for promoting those rights.

52. The draft resolution on the situation of human rights and fundamental freedoms in El Salvador (A/C.3/46/L.51) supported the continuation of negotiations until the necessary political agreements were arrived at to put an end to the armed conflict as the best way to guarantee full respect for human rights. His delegation therefore expressed appreciation to the sponsors of the draft resolution for their careful consideration of the situation and hoped that it would be adopted by consensus.

53. Mr. Al-Shaali (United Arab Emirates), Chairman, took the Chair.

54. Mr. HUSSAIN (Pakistan) said that the past few years had witnessed momentous transformations in the international political landscape. After a long and arduous struggle the valiant people of Afghanistan had succeeded in freeing their homeland from foreign occupation. The signing of the Geneva Accords and the subsequent withdrawal of foreign troops from Afghanistan had been welcome developments but had failed to bring peace to that ravaged land. A broad-based government representing the will of the Afghan people was essential for settling the conflict. Pakistan had repeatedly underscored its commitment to a comprehensive political settlement of the Afghanistan problem and had undertaken a series of initiatives, including consultations with the countries concerned and talks on a trilateral basis with the Islamic Republic of Iran and the Afghan mujahidin. His country had also extended its full support to the Secretary-General's five-point peace plan and the joint United States/Soviet Union statement concerning a simultaneous cut-off of arms deliveries to their respective Afghan allies by 1 January 1992.

(Mr. Hussain, Pakistan)

55. The continued presence of over 6 million refugees in Pakistan and the Islamic Republic of Iran was a sad reflection of the state of human rights inside Afghanistan. The refugee situation was a human rights problem in itself since it involved the right to self-determination, the right to life and the right to freedom of movement. As long as those refugees, who represented one third of the entire Afghan population, could not voluntarily return to their homeland, the exercise of their right to self-determination could not be fully realized.

56. Pakistan, which wished to see a speedy return of the Afghan refugees to their homeland in safety and honour, had been providing shelter to over 3 million Afghan refugees for more than 12 years. The recent decline in international humanitarian assistance not only aggravated the hardships of the refugees, but also severely strained his country's already meagre resources. Accordingly, his delegation called upon the international community to continue to fulfil its humanitarian obligations until the voluntary return of the Afghan refugees had been completed.

57. Massive violations of human rights, brutal repression and indiscriminate killings had become the order of the day in the Indian-occupied state of Jammu and Kashmir. The demands of the Kashmiri people for recognition of their right to self-determination had been met with ruthless repression by the Indian military and paramilitary forces. Since January 1990, Indian-occupied Kashmir had been in a state of complete turmoil. The political and administrative system had broken down and the economy was in a state of collapse. The world was apathetically witnessing the systematic destruction of the very fabric of society there. There were consistent reports of indiscriminate killing, torture, arbitrary arrests, unlawful house-to-house searches and gang-rape of women. During the past 22 months, over 5,000 innocent civilians had been killed and many more seriously injured. Thousands had been made homeless by the scorched-earth policy of the Indian authorities, who destroyed whole neighbourhoods where so-called militants were suspected to have hideouts.

58. Recent reports published by Amnesty International, the United States State Department and Asia Watch had chronicled the human rights violations in occupied Kashmir. Even human rights organizations and men of conscience in India had gathered information on the atrocities being committed in that territory. A team appointed by four Indian human rights organizations to assess the situation there reported that the entire Muslim population was wholly alienated from India and because of the highly repressive policies pursued by the administration, their alienation had turned into bitterness and anger. A report by the Committee for Initiative on Kashmir, referring to the atrocities committed there, concluded that the cases of blatent human rights violations were the result of an official policy. That had become evident to the team when they had met senior administrators who justified such actions as necessary to contain "terrorism".

(Mr. Hussain, Pakistan)

59. Various reports had documented the numerous atrocities committed by the Indian security forces and had demanded effective measures to stop such acts, as well as judicial inquiries into all the allegations, the release of detainees held without charge and permission for Amnesty International and other human rights organizations to visit occupied Kashmir to investigate human rights violations. Those demands had been echoed by the European Parliament and by the Congress of the United States and the Parliament of the United Kingdom, which had also affirmed Kashmir's right to self-determination.

60. The spontaneous uprising in occupied Kashmir was concrete evidence of the people's will to throw off Indian rule and determine their own destiny. The ghastly situation currently prevailing clearly exposed the inauthenticity of the so-called elections held in the territory. Moreover, the Security Council had already affirmed, in its resolutions 91 (1951) and 122 (1957), that any action by the so-called constituent assembly convened in occupied Kashmir would not reflect the will of the people of Jammu and Kashmir, since it did not constitute a free and impartial plebiscite conducted under the auspices of the United Nations. Although India had tried to attribute the turmoil in the area to interference by Pakistan, its refusal to accept Pakistan's proposal to establish a neutral mechanism to monitor and investigate the situation independently showed that its allegations were groundless.

61. The human rights violations in Indian-occupied Jammu and Kashmir would continue to undermine the renewed global commitment to human dignity until India agreed to implement the relevant United Nations resolutions by accepting the right of the area's people to self-determination.

62. Mr. VASSILAKIS (Greece) said that his delegation fully agreed with the statement made at an earlier meeting by the representative of the Netherlands, on behalf of the European Community and its member States, on item 98 (c).

63. Unfortunately, the problem of human rights violations in Cyprus had not been alleviated by the new international climate of respect for such rights, owing to Turkey's refusal to implement United Nations resolutions on Cyprus. Seventeen years after the Turkish invasion, almost 40 per cent of the territory of Cyprus remained under occupation. Moreover, Turkey had curtailed freedom of movement and the right to acquire property in Cyprus by dividing the country into two halves. The 200,000 Greek Cypriots who had been forced to flee from northern Cyprus remained refugees in their own country and were still deprived of their property.

64. Turkey had also deliberately altered the demographic structure of the occupied areas of Cyprus. Prior to the 1974 invasion, Greek Cypriots had comprised 82 per cent of the population and Turkish Cypriots, 18 per cent. Subsequently, Turkey had effected a massive transfer of settlers to the area, giving them the homes and properties of the evicted Greek Cypriot refugees. The fact that thousands of Turkish Cypriots had emigrated from the island showed that the influx of settlers, who currently numbered 80,000, and of

(Mr. Vassilakis, Greece)

35,000 Turkish soldiers was detrimental to the entire Cypriot population. Turkey's policy was in clear violation of article 49 of the Fourth Geneva Convention.

65. The drastic reduction in the number of Greek Cypriots who remained enclaved in the occupied area, from over 20,000 in 1974 to less than 600 at the current time, was a result of Turkish oppression, discrimination, harassment and violence. Despite the adoption of a number of United Nations resolutions and the establishment of a Committee on Missing Persons in Cyprus in 1981, not one of the over 1,600 missing persons in Cyprus had been found, owing to Turkey's unwillingness to cooperate. Its systematic plundering of the cultural heritage of the occupied Cypriot territory was yet another example of the human rights violations it was perpetrating.

66. There could be no just and viable solution unless the Turkish occupying forces and settlers withdrew from Cyprus. In resolution 716 (1991), the Security Council had reaffirmed the principle, in line with high-level agreements between the parties in Cyprus, that a settlement must be based on the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and the exclusion of union in whole or in part with any other country and any form of partition or secession. While the Greek Government had welcomed the resolution, Turkey had interpreted its provisions selectively in document A/46/584-S/23156. He reiterated his Government's intention to provide constructive support to the Secretary-General's mission of good offices in Cyprus so that the relevant Security Council resolutions could be implemented, and urged the Turkish Government to do likewise.

67. The Turkish representative, in his statement on item 98 (c), had referred to alleged human rights violations against the Muslim minority in Greece. Those allegations were not only an attempt to divert attention from Turkey's ill-treatment of minorities in its territory, but also a distortion of the facts. Under the 1923 Treaty of Lausanne, both the Muslim minority in Greece and non-Muslim minorities in Turkey were entitled to the same protection. However, Turkey's systematic policy of uprooting the Greek Orthodox minority in its territory was illustrated by the reduction of that minority population from over 200,000 in 1923 to only 3,000 in 1991.

68. In contrast, the Muslim minority population in Greece had risen from 106,000 to 120,000 and the number of schools catering to their needs from 86 in 1923 to about 300 in 1991. They were free to use the Turkish language, both spoken and written, in public and private life. In addition, the Muslim minority currently had two representatives in the Greek Parliament, who had been allowed to take their oath of office on the Koran. Greece also deferred to the wishes of its Muslim citizens by appointing the legally recognized heads of the Muslim clergy not directly, but on the basis of recommendations from a committee of Muslim clergy and laymen, and by accepting their jurisdiction in matters of family law.

(Mr. Vassilakis, Greece)

69. Instead of making false accusations against Greece, Turkey, which was constantly under review by international human rights mechanisms, should focus its efforts on improving its poor human rights record.

70. Mr. MORA GODOY (Cuba) said that, although the recent changes in the structure of international relations had had some positive effects, not all of them boded well for the future of third world peoples. The so-called triumph of universal values, largely owing to the decline of socialism, could be interpreted as a threat to the national sovereignty and self-determination of third world countries and as a pretext for discriminatory international economic policies. He was therefore troubled to note that the new initiatives proposed by the representatives of industrialized countries at the current General Assembly session all tended to reinforce that new world order, which had nothing to do with the interests of the developing countries. The doctrine of limited sovereignty, which emerged in such concepts as humanitarian and electoral assistance, sought to justify interference in the internal affairs of States.

71. In the Third Committee, representatives of developed countries had condemned human rights violations in the South, while ignoring racism, xenophobia and anti-communism in the North. The developed countries had a responsibility to address those phenomena, which had, in the past, led to the Second World War.

72. The North was trying to manipulate United Nations mechanisms and concepts to establish the supremacy of a single political system which did not answer the needs of third world peoples. That practice was apparent in the imposition of so-called human rights conditionalities for the provision of development aid and operational activities for development. It was clear, however, that the North had no real concern for human rights in the South, since its economic policies were depriving third world peoples of the basic human right to life.

73. True democracy and justice could only prevail if inequalities in the distribution of wealth were rectified and conditions were created to guarantee the full access of all peoples to social benefits and political rights. Those objectives, in turn, could only be met through genuine international cooperation that respected the right of peoples to choose their own social and political structures, and not through such mechanisms of interference as the so-called electoral assistance of the United Nations.

74. He wondered why the establishment of an office of Coordinator for Electoral Matters had been proposed, when the Secretary-General had indicated in his report (A/46/609) that most Member States opposed the establishment of a new United Nations structure to verify elections or provide electoral assistance. In the event that such a mechanism was established, he would like to see it applied to such Western countries as the United States, where those in power were elected by only 21 per cent of the electorate and democracy was reduced to the well-being of a select few.

(Mr. Mora Godoy, Cuba)

75. Those who called themselves champions of human rights could not be considered sincere until they had denounced the injustices perpetrated in the one remaining super-Power and had appointed a special rapporteur to investigate human rights violations against Puerto Rican political prisoners in the United States. In Cuba, no prisoner had ever suffered physical violence, nor had anyone ever disappeared. Cuba had managed to build a more just and humane society in spite of its status as a developing country which faced the hostility and aggression of the world's most powerful country. The United States had, through duplicitous means, imposed against Cuba an economic embargo of the type used only for the most serious human rights violations. Only when that action had been condemned could there be true objectivity, cooperation and dialogue on the subject of human rights.

The meeting rose at 6 p.m.